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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,846	02/27/2002	Michael J. Bauhof	AD 6792 US NA	1758

23906 7590 01/21/2004

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WILMINGTON, DE 19805

EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

dbj

# Office Action Summary

Application No.

10/085,846

Applicant(s)

BAUHOFF, MICHAEL J.

Examiner

Alicia Chevalier

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**RESPONSE TO AMENDMENT**

1. Claims 1-7 are pending in the application.
2. Amendments to the specification and claims in paper #8, filed on October 20, 2003, have been entered in the above-identified application.

***WITHDRAWN REJECTIONS***

3. The 35 U.S.C. §112 rejections of claims 4 and 5, made of record in paper #6, mailed April 22, 2003, page 3, paragraph #4 have been withdrawn due to Applicant's arguments in paper #8, in section II.
4. The 35 U.S.C. §102 rejection of claims 1-7 over Carper et al. (EP 0322999 A2), made of record in paper #6, pages 3-4, paragraph #6 has been withdrawn due to Applicant's amendment in paper #8.

***NEW REJECTIONS***

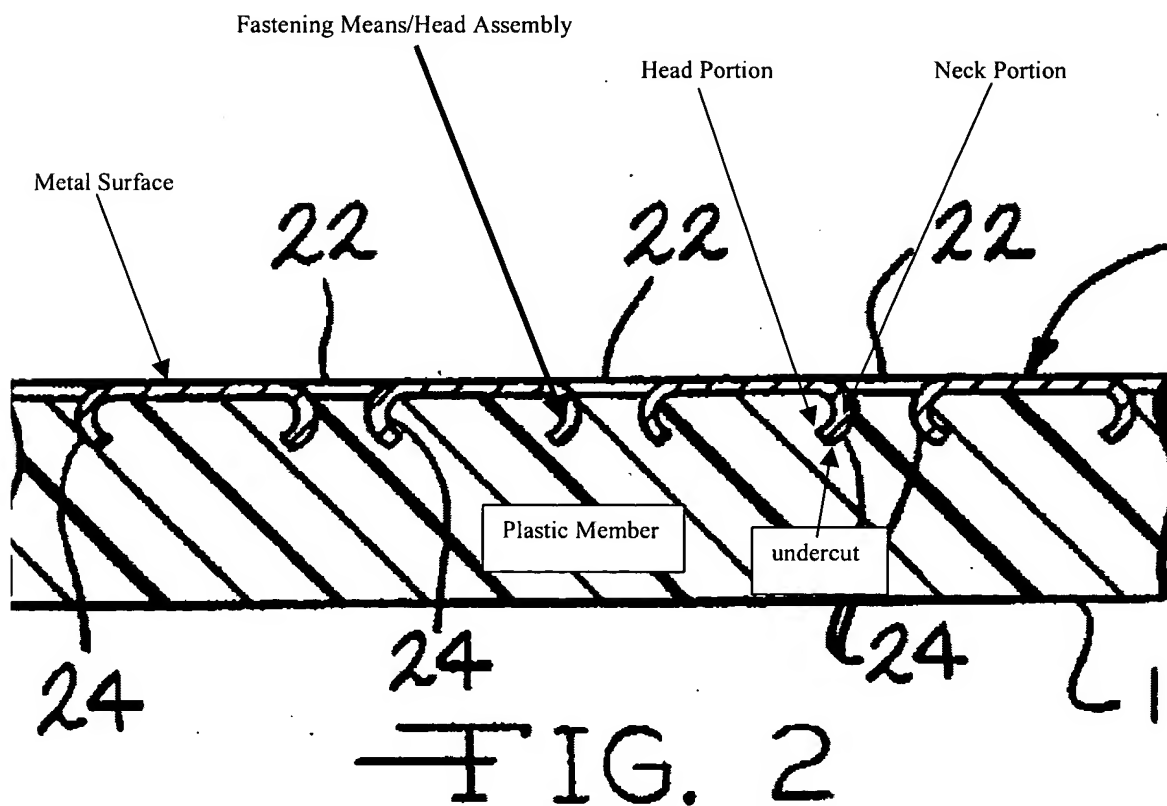
5. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

***Claim Rejections - 35 USC § 102***

6. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Butler (U.S. Patent No. 5,656,353).

Regarding Applicant's claims 1, 2, 5, Butler discloses a structure comprising a perforated, Applicant's "apertures," metal layer (*col. 2, lines 32-33*) and thermoplastic layer (*col. 2, lines 27-28*), Applicant's "metal surface and plastic member that comprises a surface." The metal layer is comprises prongs that extend from the layer into the plastic layer (*col. 2, lines 38-41*), Applicant's "the metal and plastic surfaces joined by one or more fastening means. As seen in figure 2 the fastening means comprises a head assembly formed from the metal surface around and within the plastic member is molded (*col. 2, lines 38-41*). Also, figure 2 shows that the head assembly comprises a head portion and a neck portion joined thereto forming an undercut.

The following figure accompanies the discussion of claims 1 and 2.



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Regarding Applicant's claims 3 and 4, Butler discloses that the plastic is made of a suitable polyester (*col. 2, lines 30-31*). The plastic layer is molded to the metal layer around the prongs (*col. 2, lines 38-41*) and into the perforations (*figure 2*). This causes the prongs to separate areas of the plastic and thus forming interconnected plastic ribs along the metal surface.

Regarding Applicant's claims 6 and 7, Butler discloses that the article made with the structure is a laminated heat shield (*title*). The preamble "a front end module" is not further limiting in so far as the structure of the product is concerned. In article claims, the preamble language must result in a *structural difference* between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. *MPEP 2111.02*.

#### ***ANSWERS TO APPLICANT'S ARGUMENTS***

7. Applicant's arguments in paper #8 regarding the previous rejections of record have been considered but are moot since the rejections have been withdrawn.

#### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

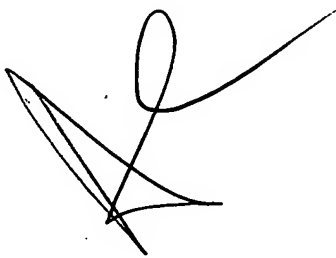
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays


If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Harold Pyon can be reached by dialing (571) 272-1498. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (571) 272-0987.

ac

1/7/04



  
**SANDRA M. NOLAN**  
**PRIMARY EXAMINER**